

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CRYSTAL A. LEWIS, et al.,

Plaintiffs,

v.

BAYER CORPORATION, INC.,

Defendant.

No. C 03-04403 JSW

**NOTICE OF TENTATIVE  
RULING AND QUESTIONS**

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD, PLEASE TAKE  
NOTICE OF THE FOLLOWING **TENTATIVE** RULING AND QUESTIONS FOR THE  
HEARING SCHEDULED ON OCTOBER 28, 2005:

The Court has reviewed the parties' papers and, thus, does not wish to hear the parties  
reargue matters addressed in those pleadings. If the parties intend to rely on authorities not  
cited in their briefs, they are ORDERED to notify the Court and opposing counsel of these  
authorities reasonably in advance of the hearing and to make copies available at the hearing. If  
the parties submit such additional authorities, they are ORDERED to submit the citations to the  
authorities only, without argument or additional briefing. *See* N.D. Civil Local Rule 7-3(d).  
The parties will be given the opportunity at oral argument to explain their reliance on such  
authority.

The Court **tentatively** GRANTS Defendant's motion for summary judgment.

The parties each shall have ten minutes to address the following questions:

1. Plaintiff does not factually contest the multiple instances in which she was disciplined while working at Bayer. Instead, Plaintiff contends that she was disciplined more severely when compared with other employees, who were neither black nor female. What specific facts in the record before this Court can Plaintiff provide which demonstrate that other, similarly situated employees were treated more leniently for similar conduct?
2. What is the nexus, if any, between the alleged remark made by Dr. Gustavo Mahler to Nathaniel Woods, Jr. and the alleged acts of discrimination against Ms. Lewis?
3. Do the parties have anything further they wish to address?

**IT IS SO ORDERED.**

Dated: October 26, 2005

  
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JEFFREY S. WHITE  
UNITED STATES DISTRICT JUDGE